

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 23860 of 2007(M)

O.S.349/1985 OF MUNSIF COURT, MANJERI .

PETITIONERS:

1. ASKAR, AGED 20 YEARS,
S/O. KUNNEEN KURIKKAL, RESIDING AT MANCHERI HOUSE,
THANKDUKODE IN VELLAYOOR AMSOM AND DESOM,
THUVOOR VIA, NILAMBUR TALUK, MALAPPURAM DISTRICT.
2. NOUSHAD @ NOUSHAD ALI, AGED 18 YEARS,
S/O. KUNHEEN KURIKKAL, RESIDING AT MANCHERI HOUSE,
THANKDUKODE IN VELLAYOOR AMSOM AND DESOM,
THUVOOR VIA, NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON.

RESPONDENTS:

1. AHAMMEDKUTTY, S/O.MEMPADAN MUHAMMED,
RESIDING AT NEELANCHERI IN THUVVOOR AMSOM, DESOM,
MALAPPURAM DISTRICT.
2. HAMEED, S/O.MEMPADAN MUHAMMED,
RESIDING AT NEELANCHERI IN THUVOOR AMSOM, DESOM,
MALAPPURAM DISTRICT.
3. NAZER, S/O.MEMPADAN MUHAMMED,
RESIDING AT NEELANCHERI IN THUVVOOR AMSOM, DESOM,
MALAPPURAM DISTRICT.
4. YAKOOB, S/O.MEMPADAN MUHAMMED,
RESIDING AT NEELANCHERI IN THUVVOOR AMSOM, DESOM,
MALAPPURAM DISTRICT.

W.P.(C). NO.23860/2007:

**5. RASHEED, AGED 20 YEARS,
S/O.MEMPADAN MUHAMMED, RESIDING AT NEELANCHERI IN
THUVOOR AMSOM, DESOM, MALAPPURAM DISTRICT.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J.

WP(C) No.23860 OF 2007 M

Dated this the 9th August, 2007.

JUDGMENT

This writ petition is filed to quash Ext.P3. Ext.P3 is an execution petition filed by the parties in a final decree for delivery of the property. The court, by an order directed the property to be delivered. The present writ petitioners challenge the same contending for the position that they were minors at the time of the passing of preliminary decree and final decree and that they were not represented properly. So, any decree passed against them is not valid in the eye of law and therefore delivery should not be effected. I had gone through the documents produced in this case and I find even some Lawyers have appeared for the minors. Their mother was a party to the proceeding and if there is misconduct on the part of the guardian in conducting the case properly there are legal remedies available to the party. But, at this stage, this Court cannot interfere and therefore the writ petition is dismissed making it clear that if there are other legal remedies the writ petitioners are at liberty to proceed with it, if the law permits.

M.N.KRISHNAN
Judge